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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 10/687,680 | 10/17/2003 | Alfonso Losada | SST/1306 | 9353 |
| 498 | 7590 | 09/20/2005 | EXAMINER | |
| JAMES R. CYPHER 405 14TH STREET SUITE 1607 OAKLAND, CA 94612 | | | CHUKWURAH, NATHANIEL C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3721 | |

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,680

Applicant(s)

LOSADA, ALFONSO

Examiner

Nathaniel C. Chukwurah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Losada (US 6,273,316).

With regard to claim 25, Losada discloses a fastener assembly (fig. 11A) feeding system comprising: a fastener assembly (318, 336) comprising a curved plate (318), and a stud (336) frictionally held within the curved plate; a track (316) adapted to receive the curved plate (318); and shaped to conform with curved plate; and a plurality of fastener assemblies guided along the track (fig. 11A).

With regard to claim 26, Losada shows groove formed on the plate (see channel adjacent slot 360) and track (316) shaped to conform with the groove of the plate (318)

With regard to claim 27, Losada shows the curved plate formed with an extending portion (see fig. 11B) and the track (316) is shaped to conform with the extending portion of the plate (see portion of track 317).

With regard to claim 28, Losada discloses a fastener assembly (Figs. 5 & 6) feeding system comprising: a fastener assembly (18, 18 A, 36) comprising a plate (18A) having a reverse V-groove, and a stud (36) frictionally held within the plate; a track (16) adapted to receive the plate (18, 18A); and shaped to contact at least one side of the plate in the reverse V-

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groove of the plate (see portion of track 317); and a plurality of fastener assemblies are guided along the track (fig. 11A).

With regard to claim 29, Losada shows a plate with a pair of grooves (see channel top portion of plate (11B) and under portion of plate), and the track (316) is shaped (317) to contact at least of one side of the plate at the groove (reverse V-groove).

Response to Arguments

Applicant's arguments filed 7/11/2005 have been fully considered but they are not persuasive.

With respect to claim 25, applicant argues that Losada '316 track (316) do not accommodate a "curved shape" which conform with curved shape of the plate as called for in claim 25.

The Examiner disagrees with applicant because track (316) is shaped to accommodate the curved plate (318). Therefore the rejection of claim 25 is proper.

With respect to claim 26, applicant argues that the element identified by the examiner as groove is a channel, not a "groove".

The Examiner disagrees because, as broadly claimed, Losada '316 discloses groove (reverse V-groove) formed on the plate (318) on the reverse side as shown in Figure 11B.

With respect to claim 27, applicant argues that the examiner has not particularly pointed the structure considered as the extending portion of the plate.

The Examiner considered the portion of the plate having the slot (360) and the wire (358), as the extending portion of the plate.

With respect to claim 28, applicant argues that claim 28 does not call for a curved plate.

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The Examiner disagrees with applicant that claim 28 does not call for a curved plate; applicant is respectfully directed to Fig. 13 where a cross sectional of the plate shows that the plate is curved at least at the beginning of the extension (318).

With respect to claim 29, applicant argues that claim 29 calls for the plate to have a “pair of grooves and for the track to be shaped “to contact at least one side of the plate only at the grooves.

The Examiner addressed this limitation by pointing out in Losada ‘316 reference two grooves (reverse V-grooves of the plate) on both sides of plate (see Fig. 11B) and a track (316) shaped to contact at least one side of the plate (318) only at the groove (reverse V-groove). See Fig. 11A.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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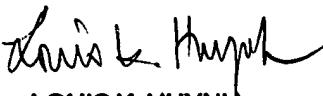
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

Sept, 12, 2005.


LOUIS K. HUYNH
PRIMARY EXAMINER